

C.J. vs MICHAEL BLAQUIERE
John J. Ryan on 11/01/2023

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
BRUNSWICK DIVISION

C.J., a minor, by and :
Next friend and guardian :
BETTY JEAN MURPHY JAMES :
And BETTER JEAN MURPHY :
JAMES as Administrator of :
The Estate of Latoya James, :
Plaintiffs, :
vs. :
MICHAEL BLAQUIERE, in his :
Individual capacity as :
Camden County Deputy :
Sheriff, DOWNY CASEY, in :
in his individual capacity, :
as Camden County Deputy :
Sheriff; and JANE/JOHN DOES, :
in their individual :
capacities, as Camden County :
Deputies. : Case Number:
Defendants. : 2:22-CV-00078-LGW-BWC

Wednesday, November 1, 2023

Videotape Deposition of JOHN J. RYAN taken
pursuant to notice via video teleconference on
the above date, beginning at approximately
10:05 a.m., before Charles P. Carmody, Federally
Approved Registered Professional Reporter and
Notary Public.

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1 APPEARANCES :

2

3 THE LAW OFFICE OF HARRY M. DANIELS, LLC
4 BY: HARRY M. DANIELS, ESQUIRE
5 4751 Best Road, Suite 490
6 Atlanta, Georgia 30337
7 (678) 6664-8529
8 daniels@harrymdaniels.com
9 Representing the Plaintiff

7

8 FREEMAN, MATHIS & GARY, LLP
9 BY: WESLEY C. JACKSON, ESQUIRE
10 100 Galleria Parkway, Suite 11600
11 Atlanta, Georgia 30339
12 (770) 818-4246
13 wjackson@fmglaw.com
14 Representing the Defendant

12

13 STROM LAW FIRM, LLC
14 BY: MARIO A. PACELLA, ESQUIRE
15 1612 Newcastle Street, Suite 201
16 Brunswick, Georgia 31520
17 (912) 264-6465
18 mpacella@stromlaw.com
19 Representing the Defendant

17

18

19

20 THE VIDEO SPECIALIST:
21 Jack McKenzie

21

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23

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REQUEST FOR PRODUCTION OF DOCUMENTS

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1 -----

2 PROCEEDINGS

3 -----

4

5 It is hereby stipulated by
6 and among counsel that the reading, signing,
7 sealing, certification and filing are
8 waived, and that all objections, except as
9 to the form of the question, are reserved
10 until the time of trial.

11

12 THE VIDEO SPECIALIST: This is
13 the beginning of Media Number I in the
14 deposition of John Ryan in the matter of
15 C.J., versus Michael Blaquiere.

16 Today's date is November 1st, 2023
17 and the time on the monitor is 10:04 a.m.

18 My name is Jack McKenzie and I'm the
19 videographer. The court reporter is Chuck
20 Carmody. We're here with Huseby Litigation.

21 Counsel, please introduce yourselves
22 after which the court reporter will swear in
23 the witness.

24 MR. DANIELS: Good morning.
25 Harry Daniels here on behalf of plaintiff.

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1 MR. JACKSON: Wes Jackson for
2 the defendant.

3 MR. PACELLA: Mario Pacella for
4 defendant.

5
6 JOHN J. RYAN,
7 having been first duly sworn, was examined
8 and testified as follows:

9
10 MR. DANIELS: Mr. Court
11 Reporter, I have some exhibits here. I'll
12 keep a sheet and keep them on track here.
13 If I for some reason don't, then at the end
14 of this day we can make sure we have all the
15 exhibits lined up here.

16 Do I have access to the screen, the
17 screen share?

18 MR. JACKSON: Yeah. If you
19 just hit that green button in the middle at
20 the bottom.

21 MR. DANIELS: Okay. Gotcha.
22 Thank you.

23 -----

24 (Whereupon, a discussion was
25 held off the record.)

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3

4

EXAMINATION

5

6

7 BY MR. DANIELS:

8 Q. All right.

9 Good morning, Mr. Ryan. I'm

10 understanding you go by, your actual name is

11 John, and Jack is your nickname; is that right?

12 A. Yes. And I've always been referred to

13 as Jack. In fact, I probably wouldn't turn my

14 head if somebody yelled, "hey, John."

15 Q. I got you. I understand that.

16 Mr. Ryan, I'm going to show you based on

17 reading your CV, you've done several depositions;

18 is that correct?

19 A. Yes, sir.

20 Q. And I understand that you're also a

21 licensed attorney; is that correct?

22 A. That's also correct.

23 Q. And you've been an associate since 1994?

24 A. Yes, sir.

25 Q. So this is a little housekeeping. I'm

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1 sure you've heard them all before. Obviously,
2 this quote has been taken down in this particular
3 matter. And counsel, we have agreed to reserve
4 all objections with exception to the form and
5 responses as far as to use this deposition?

6 A. Yes.

7 Q. All right.

8 This deposition is take pursuant to the
9 federal supercedes act.

10 Mr. Wright -- I'm sorry -- Mr. Ryan, I'm
11 sorry.

12 During the course of this deposition I
13 may ask a question. Make sure that you
14 understand. If you do not understand the
15 deposition, I mean, the question, just ask me and
16 I'll do my best to clarify.

17 It's my understanding that you're not
18 represented by either counsel. So I'll ask you
19 to respectfully answer all questions to the best
20 of your ability.

21 If some portions of this deposition
22 comes to -- if counsel makes an objection, allow
23 them to make an objection, allow us to make the
24 objection on the record and will proceed subject
25 to that answer.

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1 Do you understand that?

2 A. Yes, sir.

3 Q. Obviously, you understand that this is
4 a -- the court reporter is taking down and it's
5 being video recorded. A lot of times we'll have
6 inaudible responses, un-huh, yeah, I'm sure
7 you've heard it all before.

8 Do your best to have clear responses,
9 okay?

10 A. Yes, sir.

11 Q. I was hoping you were going to say
12 "uh-huh" and I was going to get --

13 All right. Okay.

14 Mr. Ryan, have you had a good night's
15 rest before this deposition?

16 A. I did.

17 Q. And there's nothing here that would
18 prevent you from testifying truthfully today,
19 correct?

20 A. No, sir. Every once in awhile you might
21 hear a puppy in the background.

22 Q. I'm showing you -- I'm going to put on
23 the screen here.

24 MR. DANIELS: Mr. Court

25 Reporter --

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1 THE COURT REPORTER: Yes, sir.

2 MR. DANIELS: This is a notice

3 to depose Mr. Wright -- I'm sorry --

4 Mr. Ryan.

5 BY MR. DANIELS:

6 Q. It doesn't interfere at all. I may be
7 the one struggling.

8 I was going over a lot of material last
9 night to be ready for you. So if I struggle I
10 know you're a lawyer and you can help me out,
11 okay?

12 A. There you go.

13 Q. All right.

14 I'm showing you what I'm going to put on
15 the screen here.

16 MR. DANIELS: And Mr. Court
17 Reporter, this is a notice to depose
18 Mr. Wright -- Mr. Ryan.

19 BY MR. DANIELS:

20 Q. Do you see that, Mr. Ryan, do you see
21 the notice to depose on the screen?

22 A. Yes, sir.

23 Q. All right.

24 And this was given to counsel and given
25 to us -- hold on one second here -- this was

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1 given to counsel and given to us, notice of your
2 deposition, Steve Grundberg.

3 MR. DANIELS: We're going to
4 mark this as Exhibit-1, Plaintiff's
5 Exhibit-1.

6 -----

7 (Whereupon, a discussion was
8 held off the record.)

9 (Whereupon, Deposition Exhibit
10 Number Plaintiff's 1 was marked for
11 identification.)

12 -----

13 BY MR. DANIELS:

14 Q. Have you had a chance to look at it?

15 A. Yes, sir.

16 Q. And this is the notice you received,
17 correct?

18 A. Yes, sir.

19 Q. Okay. All right. Thank you.

20 Mr. Ryan, let's go look at your
21 background. Like I said, I received your CV and
22 your Schedule 8.

23 And just going over a confirmation of
24 what you placed on here, from my understanding
25 what is your current, I guess, professional

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1 **position?**

2 A. So, you know, I'm independent contractor
3 to a group called LLRMI, the Legal Liability Risk
4 Management Institute which owned by a guy named
5 Jim Alsup. I think his corporate name is Loan
6 Risk Management Group. And in that position I do
7 training throughout the United States, I do
8 audits of agencies because either, A, there
9 wasn't another set of eyes to look at them or
10 there's a problem in the agency.

11 I also write policies for the various
12 groups and I think for 24 different states.

13 I do policy training and audits and then
14 I get involved looking at law enforcement
15 litigation whether it be a civil, sometimes
16 criminal. So not straight up litigation but
17 sometimes criminal. I'm going to be testifying
18 in a criminal case next week in Tacoma,
19 Washington.

20 So I get involved in lots and lots of
21 cases as a consulting expert or testimonial
22 expert if the attorney choses for me to do that.

23 **Q. All right.**

24 **And you've held that position is that**
25 **since 2003?**

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1 A. Yeah. Actually, you know, I started
2 helping another expert do some of his cases back
3 in, I think, 1998. And I started training
4 nationally in 2001. But I think we actually
5 formed LLRMI right around 2003, and that's when
6 we started doing a lot of the policy work and a
7 lot of the audit work.

8 Q. All right.

9 Have you ever done any training or, I
10 guess, towards your job as legal a lot of the
11 Risk Management Institute in the State of
12 Georgia, the state of law enforcement in Georgia?

13 A. Yeah. I do a lot of training in
14 Georgia.

15 Q. Do you know what agencies?

16 A. Well, a lot of them are through LLRMI.
17 I'm trying to think there's a group that brings
18 them in on a regular basis to either speak to
19 jail officers or road officers. I do the new
20 sheriff's conference. I've been doing that every
21 four years probably for the last at least twelve
22 years, at least the last three cycles when they
23 have the sheriff's elections every four years, I
24 go down and do the new sheriff's training.

25 So I've done that. I'm sure I've spoken

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1 at the Georgia Association Chiefs of Police at
2 times. I don't know that I've been brought in by
3 a specific agency because what happens generally
4 is there's multiple agencies sitting in on the
5 training when I go.

6 **Q. Is there some type of accreditation or**
7 **did you all provide to anyone you see that goes**
8 **to the training?**

9 A. Well, yeah, they get a certificate of
10 attendance and some of the trainings are
11 certification programs.

12 So for example, I do use of force
13 certification program. I don't know if I would
14 guess that some officers from Georgia have been
15 through that. But I don't know that that program
16 has been offered in Georgia itself.

17 Generally, it's large venues because we
18 draw people from all over the United States into
19 those programs, not that Georgia doesn't have
20 some large venues. Don't take it that way.

21 But we've done them in Las Vegas. We've
22 done them outside of Nashville, some places like
23 that.

24 **Q. So you wouldn't -- would you know -- I**
25 **guess what I hear you testify is that you**

1 wouldn't know specific agencies that would
2 attended the training as a mobile agencies
3 without the state would come to the training -- I
4 don't want to put words in your mouth -- you
5 don't go to the specific agency and do training;
6 is that right?

7 A. I do. But I don't know that I've done
8 that in Georgia because generally they're
9 regional trainings. And multiple agencies attend
10 and then LLRMI obviously keeps rosters, requires
11 officers to sign so that they get their Georgia
12 Post credits. Because all of the trainings are
13 accredited through Georgia Post.

14 So you know, they would have to
15 documentation of where the officers are from and
16 submit those to Georgia Post.

17 But I don't get involved in the
18 logistical piece. I do the actual training.

19 Q. Do you ever do any training with Camden
20 County Sheriff's office with regard to going to a
21 specific agency?

22 A. I would say no. Because I can't recall
23 ever going to a single specific agency in the
24 State of Georgia.

25 As I said, they may have and probably

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1 have attended some of the regional trainings that
2 I've done throughout the state, but I can't say
3 one way or the other I don't know anybody from
4 Camden County and I don't recall specifically
5 somebody saying, Hey, Jack, I'm from Camden
6 County.

7 Q. Okay. All right.

8 Here you have a police policy to
9 consult, train and other.

10 Is that part of a legal document at Risk
11 Management Institute?

12 A. No.

13 I'm sorry. I didn't mean to cut you
14 off. I thought you were done.

15 No. It's all the same.

16 Q. So would you say that there's a code of
17 the range of legal liability at the Risk
18 Management Institute in policy and police
19 practices, consult, train, that's all part of one
20 group; is that correct?

21 A. That is correct.

22 Q. So you became the codirector, I'm
23 assuming, in 2003; is that right?

24 A. We actually formed a subsidiary, if you
25 will, in 2003 to specifically try to help law

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1 enforcement professionalize throughout the United
2 States.

3 So that group was formed in 2003. At
4 the time it was myself, Patrick Gallagher who has
5 since passed away, Lou Rider, who was the former
6 deputy chief of Los Angeles, and Jim Alsup, who
7 actually owns the company that we're all
8 independent contractors for.

9 **Q. Got you?**

10 **What was the name of the parent company?**

11 A. I think the corporate structure is Law
12 Enforcement Risk Management Group. It used to be
13 -- and just so the record is clear -- it used to
14 be public agency training counsel and Jim Alsup
15 sold that company seven years or so ago. My day
16 may be off, or my year maybe off.

17 But he sold that but he kept the portion
18 of company that dealt with trying to help
19 professionalize law enforcement policy, training,
20 those kinds of things at the time.

21 **Q. Then yearly, I guess, would you go out**
22 **and do this training with that company?**

23 A. You know, pre-pandemic I think I was
24 probably out of 40 weeks a year. I think I'm
25 probably going too be back up to 30 weeks. This

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1 year, I have to go back and look at it. But I'm
2 going to guess that I'm up to 30 weeks between
3 now and the end of year.

4 Q. How would your service be peculiar, who
5 would engage, would you all like do a solicit
6 like in the police chief's magazine or with
7 specific corporations or agencies in state, would
8 they solicit your all service?

9 A. Yeah.

10 You know, I don't tell get involved in
11 any of that quite honestly. But my -- just
12 anecdotally I think that most agencies seek us
13 out. There's actually -- let me just say that
14 there's three ways that we do program apps. One
15 way is when an agency seeks us out to do a
16 program just for that agency. It doesn't have to
17 be a just that agency.

18 I'll just give you an example.

19 Kentucky Association of Counties, for
20 example, may bring us in to provide a training
21 for all of the sheriff's organizations in
22 Kentucky. Buckeye State Sheriff's Association
23 might bring us in to do a program for all of the
24 Ohio sheriffs.

25 New Jersey State Police or New Jersey

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1 chiefs of police might bring us in to do program
2 for All of te State of New Jersey.

3 So sometimes we do what are call
4 contract classes. Those would be contract
5 classes. So there's no advertisement at all on
6 those, and I think those they come to us. They
7 do, and I don't do many of them it, but LLRMI
8 does some marketing classes.

9 So they have cosponsoring agencies that
10 essentially bring LLRMI in. They get some free
11 seats in the class, and then LLRMI markets the
12 class to officers around that region and they pay
13 an individual tuition to attend that class. So
14 there's different ways that those come.

15 **Q. I got you.**

16 **All right.**

17 **I'm going to -- let's see here.**

18 MR. DANIELS: I'm going to
19 introduce this as Plaintiff's Exhibit-2,
20 your Schedule 8 and your CV. I guess it
21 would be A through I got here, A through
22 schedule D.

23 THE WITNESS: Not to correct
24 you, you know, but I think schedule D are my
25 materials so A through C is my CV.

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1 BY MR. DANIELS:

2 Q. Yeah. We'll go through A through C.

3 I'm going to give it one exhibit. I
4 have your schedule D materials in this particular
5 case and also your report. So we'll just put it
6 all in one.

7 What I did I provided the P&Ls. I know
8 we're sitting on them separately for the purpose
9 of submitting them into evidence for this
10 deposition.

11 MR. DANIELS: Hold on one
12 second.

13 -----

14 (Whereupon, a discussion was
15 held off the record.)

16 -----

17 THE WITNESS: I apologize. But
18 I've been fighting a cold since last
19 Thursday.

20 BY MR. DANIELS:

21 Q. Mr. Ryan, I think I know myself and I
22 know that counsel is under the weather, so if I
23 sound a bit stiff, I do apologize. I'm usually a
24 lot more clear than this. When the season
25 changes it gets me every time, every time,

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1 **one-hundred percent.**

2 **All right. Here we go.**

3 **Now, I'm showing you my screen.**

4 MR. DANIELS: Mr. Court
5 Reporter, we're going to mark this as
6 Plaintiff's Exhibit-2.

7 -----

8 (Whereupon, a discussion was
9 held off the record at this time.)

10 (Whereupon, Deposition Exhibit
11 Number Plaintiff's 2 was marked for
12 identification.)

13 -----

14 BY MR. DANIELS:

15 **Q. As Mr. Ryan stated, it also includes his**
16 **schedule D which was materials that was reviewed**
17 **in this particular matter to includes his report**
18 **and his invoice for expert services provided.**

19 **Mr. Ryan, you also -- did you receive**
20 **payment from us for your notice, for your, to**
21 **come here for this deposition and be present?**

22 **A. And I got to be honest with you, I don't**
23 **know the answer to that. That goes to the**
24 **company and I won't know that until they actually**
25 **make payment to me.**

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1 Q. Okay.

2 A. I don't know if they've done that yet.

3 But I have no idea.

4 Q. Nobody told you that you would not
5 receive a payment, correct?

6 A. Correct. And it's not something I worry
7 about to be honest with you.

8 Q. All right.

9 Here I'm showing you your Schedule A.
10 And I'm just going to skim through real quick.
11 If you see anything different here, just let me
12 know.

13 A. The only thing I will tell you is my
14 testimony gets updated as I testify. So later
15 today it will get, you know, updated to include
16 today.

17 So if there's anything, any testimony
18 that I've given over the last couple of weeks or
19 however many weeks there are since I issued this
20 report, it will be updated with those additional
21 testimonies. Any conferences that I trained at.
22 So for example I did four cities in four days in
23 the last week in Ohio. Those would be updated to
24 this list as well.

25 Q. What about your opinion, what about your

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1 opinion in this matter, would it also be updated
2 or available?

3 A. No. I haven't updated anything on
4 opinion in this case.

5 Q. I'm asking you after this testimony, is
6 it possible that you can also change your
7 opinion, or have you ever done it in the past?

8 A. Well, what's happened in the past is
9 sometimes I'm asked questions in the deposition,
10 and I respond to those questions and, you know, I
11 had one case where the counsel on the other side.
12 That's not in your report. You can't testify to
13 that.

14 And the judge ruled that I can because
15 the attorney opened the door in the deposition.
16 But that's how it's come up more often than not.

17 Q. Okay.

18 I'm just taking a look to see your
19 exhibit here.

20 We'll get to the report.

21 Okay. All right.

22 Going back to your CV here, Schedule A.
23 We'll talk about your employment also here with
24 the codirector with liability and risk management
25 and police practice, consult, training, all of

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1 it.

2 I see here that it says adjunct
3 professor.

4 How do you say the university, is it Sal
5 Regina?

6 A. Close. Salve Regina. You probably got
7 closer than anybody's ever said it. Salve
8 Regina.

9 Q. Salve Regina.
10 Where is that located at?

11 A. That's in Newport, Rhode Island.

12 Q. And I see here that you teach
13 constitutional issues in law enforcement; is that
14 right?

15 A. Correct, criminal procedure for law
16 enforcement officers, yes.

17 Q. So do you do anything such as search and
18 seizures and all those things under the
19 constitution to today's law enforcement?

20 A. Of course.

21 Q. All right.

22 And going back here, you've been
23 licensed in Rhode Island since 1994; is that
24 correct, as a licensed attorney?

25 A. Yes, sir. Yes, sir.

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1 **Q.** In the capacity as an attorney, what
2 role have you had in the capacity as an attorney,
3 defense, civil, anything in that capacity?

4 A. Say that part again.

5 **Q.** As a lawyer what jobs or what role have
6 you had as a lawyer, a licensed attorney?

7 A. You know, I've done a couple of cases.
8 Well, I've done one case back when I
9 first past the bar. And I entered an appearance
10 in a probate case a few years ago for a friend of
11 mine. But when he was being difficult with
12 providing the information that was necessary to
13 close out the probate, I actually passed it off
14 to one of my law school partners. So I still
15 don't think that she's got it resolved at this
16 point years later.

17 I have consulted with other attorneys at
18 times on cases, not as an expert witness but to
19 guide them. But I didn't enter an appearance in
20 those cases, so I would say that I didn't have
21 any role as an attorney. I was more of a
22 consultant even though I applied my skills as an
23 attorney to those cases.

24 **Q.** Have you ever tried a case?

25 A. Only one. And I won. So I'm batting a

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1 thousand. But it was a very mall case and it was
2 the only case I ever did enter an appearance on.
3 It's the only one I ever tried. It's the only
4 one I ever took to verdict.

5 **Q. What case was that?**

6 A. It was a case where a contractor fell
7 off of a roof of a house, an icy roof. He had
8 fixed the roof prior to the ice and then the roof
9 leaked.

10 The homeowner called him because the
11 roof was leaking. He went up on the roof and
12 fell off and broke his back I think, and
13 ultimately, what happened was he sued the
14 homeowner and the homeowner whose son was a
15 friend of mine failed to respond to the
16 complaint.

17 He didn't hire a lawyer, and got a
18 default judgement entered against the homeowner.

19 A lien was put on the house. It was
20 appealed to Superior Court and it sat around for
21 years and years, and then there was an offer by
22 the plaintiff for a very nominal fee. He had
23 gone bankrupt -- what I considered a nominal fee,
24 it was \$500, I think. And my client accepted
25 that \$500.

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1 Q. Have you ever given any oral argument to
2 any type of court of appeals, anything in that
3 capacity?

4 A. No, I have not.

5 Q. What about brief writing such as, I
6 guess, I don't know about a trial that's been
7 mentioned.

8 Have you done any brief writing either
9 writing in a case, motions, response. Any ghost
10 writing for anybody in the course of your legal
11 career?

12 A. No. I wouldn't say that I've done any
13 of that. Probably the closest I would come to
14 that is I did provide some policy research to one
15 of the groups that wrote an Amicus brief in the
16 Scott versus Harris case that went up to U.S.
17 Supreme Court. But it was just policy. We
18 researched the stuff I do on a regular basis and
19 then I already had the materials. I just
20 forwarded the materials basically. Some
21 additional research.

22 Q. I'm very familiar with the Scott versus
23 Harris case. A chase, a police pursuit actually
24 took place where I live at, right down the
25 street.

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1 I know the deputy for Calameda County
2 (ph) was involved. So I'm very familiar with
3 those facts. It was right down the street from
4 my house.

5 A. Okay.

6 Q. Do you see here, yeah, from 1992 to 2002
7 he was a police officer of the Providence Police
8 Department; is that correct --

9 A. Yeah. You know, I have to fix that
10 because that "justice" should be on the above it.
11 Somehow it's dropped down. That's the
12 administration of justice that goes to the
13 college. So that police officer should be out
14 into the margin.

15 Q. Yeah. That what I thought. It might
16 have been a margin issue when I saw the justice.
17 So he was a police officer of the
18 Providence Police Department?

19 A. Yes, sir.

20 Q. Is that where the judge that comes on TV
21 that gives people all the breaks on the tickets
22 and things?

23 A. Yes. Judge Caprio is a great guy. He's
24 in his 90s now. They dedicated the courtroom to
25 him last week. He's not doing that show anymore.

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1 He finally gave it up a few months back. But
2 Judge Caprio was a great, great man and his
3 assistant in the courtroom for most of time he
4 did that much is Robert Quinn. And Robert Quinn
5 and I went through the police academy together.

6 **Q. Did he ever dismiss any of your tickets?**

7 A. No, no, I can't say that he did.

8 **Q. That's a good deal.**

9 And here I was going through your CV, a
10 little like from 1986 to '97 you were a part of
11 the SWAT team; is that correct?

12 A. Yeah. It's actually, you know, I think
13 it's going to be accurate but I think I stayed on
14 the team almost until 2000.

15 I'd have to go back and look. I don't
16 know why it says that. You know, obviously, I
17 put it in there and I just gave them my personnel
18 file when I put this together back in 2002. So
19 maybe that's when they had me listed on the team.
20 That would be my guess.

21 **Q. Okay. All right.**

22 During the course of your, I guess,
23 employment with the Providence Police Department,
24 did you serve any search warrants?

25 A. Oh, many, many.

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1 **Q.** **How many would you say?**

2 A. I have no idea. It would be pure
3 speculation on my part. But I'll you tell that
4 1985 to 1987 period when I was in the tactical
5 division, we did the vast majority of warrants
6 for the narcotics unit because they wanted a
7 uniform presence at all search warrants.

8 So it wouldn't be atypical for us to do
9 several a week during that two year period.
10 Certainly, any high end warrants during that 1986
11 to 1997 period would be done by the SWAT team, so
12 there was a lot there.

13 When I was in detectives we did some of
14 our own warrants. And then as a patrol division
15 sergeant and lieutenant we oftentimes call to
16 support, either narcotics or the SWAT team to
17 execute the search warrants.

18 As a lieutenant, it's a weird dynamic,
19 but in Rhode Island by state statute. In
20 Providence every search warrant has to be sworn
21 to by a lieutenant from the Providence Police
22 Department. So the narcotics investigator goes
23 with the lieutenant to the courthouse or to a
24 judge's house and gets them signed. So I had
25 oversight for search warrants for all of those.

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1 And if I was the one that went to the judge's,
2 nine times out of ten I would try to go with a
3 warrant too for the execution.

4 **Q. Rhode Island, do you know whether they**
5 **recognize, what do they do, currently issue**
6 **no-knock warrants, currently today?**

7 A. You know, I haven't looked at that
8 recently. You know, there's been a lot of reform
9 throughout the country. So I would be
10 uncomfortable answering that.

11 My inclination is they are still
12 allowed, but I wouldn't be a bit surprised if
13 there's legislation saying no. There's been a
14 lot of legislation over the past couple of years
15 that have changed things.

16 So I wouldn't comfortable answering it
17 without looking it up.

18 **Q. So at present today you wouldn't still**
19 **execute or allow no-knock warrants?**

20 A. No. I'd have to actually look it up to
21 see if the state statute on these warrants has
22 been changed.

23 I know we are in lockstep with the
24 fourth amendment as far as the criminal procedure
25 goes. So my inclination is they're still

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1 allowed, but without actually looking up some of
2 the reform legislation that's been suggested. I
3 don't know that any of it's passed. I'd just be
4 uncomfortable answering the question.

5 **Q. All right.**

6 **You're talking about reform legislation**
7 **or reform legislation, I guess, in multiple**
8 **states.**

9 **Are you aware there certain states have**
10 **banned no-knock warrants?**

11 **A. Absolutely, yeah.**

12 **You know, I write policy in many states.**
13 **And as a matter of state law, there have been**
14 **states that have either banned or seriously**
15 **limited no-knock warrants.**

16 **And there's cities that have banned them**
17 **by ordinance too. You know, Kentucky has banned**
18 **them by ordinance. The State of Kentucky has not**
19 **banned them but has to put significant**
20 **restrictions on them.**

21 **Q. Would you say that was after the Breanna**
22 **Taylor incident took place?**

23 **A. Yes.**

24 **Q. And to enforce the ban of the no-knock**
25 **warrant or limited the restriction of no-knock**

1 warrants, why do you believe the basis of why
2 legislation and/or city ordinances were limited
3 or banned no-knock warrants?

4 A. You know, some of it quite frankly is a
5 knee-jerk reaction to criticisms of law
6 enforcement. There's been a lot of reform for
7 that.

8 So part of it is that. Part of it is
9 that cities and some states feel it's just not
10 worth it to do these kind of warrants because it
11 puts officers at risk and it may put citizens at
12 risk. So for potential, for example, the person
13 not knowing that it's the police coming in when
14 you do a stealth warrant.

15 Q. Do you agree -- and you may agree or
16 disagree, do you agree that restriction on
17 no-knock warrants, and I think you said knee-jerk
18 reaction to the public criticism is one of the
19 reasons you believe so, correct?

20 A. I think that's one of it is that, you
21 know, some of the reform is in response to, you
22 know, public criticism, and politically, some
23 legislators believe that that's important to make
24 that change.

25 MR. DANIELS: Could we go off

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1 the record for one second here?

2 -----

3 (Whereupon, a discussion was
4 held off the record.)

5 -----

6 THE VIDEO SPECIALIST: The time
7 is now 10:35 a.m.

8 We're now off the record.

9 -----

10 (Whereupon, a brief recess
11 occurred at this time.)

12 -----

13 THE VIDEO SPECIALIST: This is
14 the beginning of Media II. The time is
15 10:42 a.m.

16 We are back on the record.

17 BY MR. DANIELS:

18 Q. Mr. Ryan, when I think we went off the
19 record I wanted to ask you questions about what
20 issues that a no-knock warrant can present?

21 I think you were saying that we were
22 talking about some legislation reform or
23 regulation. No-knock warrants and how you
24 believe it could have been a knee-jerk reaction
25 or response to the public and also the risk of

1 danger to law enforcement and the sentencing of
2 no-knock warrants; is that correct?

3 A. Yes. I think that's accurate.

4 When I say "knee-jerk reaction," I mean
5 more of a political reaction in response to the
6 public criticism.

7 Q. Okay. All right.

8 Are you familiar with the case Hudson
9 versus Michigan, a 2006 Supreme Court case?

10 A. Yeah. I'm sure I wrote something about
11 that case. I'm sure I've written an article
12 about that case, yes.

13 Q. All right.

14 And I'll represent to you that in the
15 majority opinion that was actually authored by
16 Justice Scalia, the Supreme Court noted that the
17 interest protected by the knock and announce
18 requirement include -- and we're talking -- and
19 I'm saying knock and announce. No no-knock here.
20 The protection of human life and limb because the
21 unannounced entry may provoke violence.

22 And violence is supposed self defense by
23 surprised residents to the protection of property
24 whether it's damage or breaking into a house, and
25 three, the element of privacy and dignity that

1 can be destroyed by the sudden injuries.

2 Have you read anything like that in
3 Hudson versus Michigan or had an opportunity to
4 review it?

5 A. You know, I think, and again, you can
6 correct me if I'm wrong, but I think it was an
7 exclusionary rule case where they ruled that the
8 exclusionary rule case did not apply to the
9 failure to knock and announce.

10 But I think there is that dictum in the
11 case that suggests that those are some of the
12 points that have to be considered as to the
13 purpose for knocking and announcing.

14 Q. Right.

15 And this is a 2006 case, Hudson versus
16 Michigan, a matter that took place out of Detroit
17 by the Detroit Police Department.

18 And you would agree that even in 2006,
19 at least 2006, or as early as 2006 that Supreme
20 Court considering knock and announce warrants,
21 that one of the concerns that the protection of
22 human life and limb because an announced injury
23 may provoke violence and as supposed some
24 complaints by surprised residents; would you
25 agree with that?

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1 MR. JACKSON: Object to the
2 form.

3 THE WITNESS: I would agree
4 that they said that in that case. There's
5 other cases where they authorized no-knock
6 warrants as well.

7 BY MR. DANIELS:

8 Q. Well, I understand being authorized by
9 warrants, I asking whether it did good that
10 Supreme Court Justice Scalia opined that one of
11 the things they considered that the Supreme Court
12 noted that each is protect by the knock and
13 announce. And that one of the things that they
14 looked at and opined was protection of human life
15 and limb. Basically, fathers can be provoked if
16 the knock and announce is not done properly;
17 would you agree?

18 A. Again, I don't have the case in front of
19 me. But you know, I certainly trust that you're
20 reading it exactly as it said.

21 With that said, I agree that they said
22 that, and I agree that there is at least some
23 thought that that's one of the issues that we
24 consider when we balance whether to do a no-knock
25 entry or not. That's one of the things that we

1 consider.

2 Q. And the reason why I ask that question
3 because I think when you said question that --
4 not to take away your testimony -- that each
5 action, no-knock warrants was kind of political
6 and I know that as recent as when Breanna Taylor
7 in Louisville and no-knock warrants I just want
8 to point to you and if you was aware that the
9 Supreme Court has considered in executing knock
10 and announce warrants that they must be done in a
11 particular matter in consideration for protection
12 of human life and not to provoke violence; would
13 you agree?

14 A. Well, I think they've done both. They
15 allowed no-knock warrants, but they've also
16 pointed out in dicta, they have suggested that
17 some of the considerations are those
18 considerations that you read, but my prior
19 testimony was in references to statutory reform
20 because that's what we're talking about at the
21 time.

22 Q. I got you. All right.

23 I don't want to drop the gun here now.
24 There's a few things to talk about.

25 Do you know who John Besselman is, have

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1 **you ever heard of him, John P. Besselman.**

2 A. Not ringing a bell.

3 THE COURT REPORTER: Can you
4 spell that for me?

5 MR. DANIELS: Let me make sure
6 I'm saying it right. It's
7 B-E-S-S-E-L-M-A-N. Like Besselman, John P.
8 Besselman.

9 THE COURT REPORTER: Thank you.

10 BY MR. DANIELS:

11 **Q. You say you haven't heard the name?**

12 A. It's not ringing a bell. You know, if
13 you put it in context of something he's written
14 or something that he said I might have have known
15 the material, but that name doesn't ring a bell
16 to me.

17 **Q. I represent to you that John Besselman**
18 **is a senior legal advisor for training, office of**
19 **chief counsel for the Federal law enforcement**
20 **Center, U.S. Department of Homeland Security,**
21 **down in Glenville, Georgia; does that ring a**
22 **bell?**

23 A. Oh, yeah. I'm very familiar --

24 **Q. You're familiar with flat C. I'm sorry.**

25 A. Yeah. In fact, flat C uses some of my

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1 material in their use of force and instructor
2 class.

3 Q. Well, you're not familiar with that
4 particular person, correct?

5 A. And again, I may be. Many of the flat C
6 people have been through my classes. I may be,
7 but I don't know the name.

8 Q. All right.

9 I'm going to add a zipper here. There's
10 John Besselman's work of what may be his bio with
11 the Department of Homeland Security here.

12 Maybe I can refresh your memory if
13 you're familiar with him or not.

14 MR. DANIELS: Mr. Court
15 Reporter, I put this in as exhibit, this
16 here exhibit will maybe refresh Mr. Ryan's
17 memory of whether he was aware of John
18 Besselman or have any knowledge of him.

19 Yeah, I'm not going to mark it.

20 -----

21 (Whereupon, a discussion was
22 held off the record.)

23 -----

24 THE WITNESS: You know, without
25 a picture I don't know if hes one of the

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1 legal advisors that have been through my
2 program or not. I don't know if you have a
3 picture of him or not, but that's not really
4 doing anything for me.

5 BY MR. DANIELS:

6 Q. Okay. All right.

7 I figured that might have been your
8 response.

9 You have no reason to discredit John
10 Besselman as a senior legal advisor for the
11 training at the federal law enforcement training
12 center, would you?

13 A. I don't have anything to support or
14 undermine him. No, I don't know. I would have
15 to see what he wrote and what he wrote on and all
16 of that.

17 Q. It looks like you read my mind.
18 I'll stop screen sharing.

19 -----

20 (Whereupon, a discussion was
21 held off the record.)

22 -----

23 MR. DANIELS: Mr. Court
24 Reporter, let's go ahead and mark -- as soon
25 as I said it I thought about it.

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1 Let's go ahead and mark

2 Mr. Besselman's bio as Plaintiff's

3 Exhibit-3. Let's go ahead and do that.

4 -----

5 (Whereupon, a discussion was
6 held off the record.)

7 (Whereupon, Deposition Exhibit
8 Number Plaintiff's 3 was marked for
9 identification.)

10 -----

11 MR. DANIELS: This is an
12 article written by Mr. Besselman. The title
13 is Knock and Announce Rule, Knock, Knock,
14 Knocking on the Suspect's Door.

15 We're going to mark this as
16 Plaintiff's Exhibit-4.

17 -----

18 (Whereupon, a discussion was
19 held off the record at this time.)

20 (Whereupon, Deposition Exhibit
21 Number Plaintiff's 4 was marked for
22 identification.)

23 -----

24 BY MR. DANIELS:

25 Q. All right.

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1 Mr. Ryan, I'm going to be asking
2 questions from this article. I can e-mail it to
3 counsel, e-mail it to you so you can get a chance
4 to look at it and read it.

5 I just want to skim through it and you
6 can try to read it as I move forward.

7 Would you look at that?

8 A. I mean, we can. Obviously, I'd have to
9 know when it was written in response to what
10 obviously -- it's the interpretation at this
11 point. I can see that it's an interpretation of
12 a federal statute, not the fourth amendment.

13 At this point in the article it is not
14 something that I've read in the past, and I have
15 no idea when it was written.

16 MR. DANIELS: Counsel, can I
17 e-mail it to you and you can e-mail it to
18 Mr. Ryan?

19 MR. JACKSON: Yes. You can
20 e-mail it to and I can send it to him.

21 The information about his name, I
22 went ahead and found it.

23 MR. DANIELS: You found it
24 already?

25 MR. JACKSON: Yeah. I mean,

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1 look up the name and it's not going to be
2 the first name to pop up.

3 MR. DANIELS: Right.

4 BY MR. DANIELS:

5 Q. So Mr. Ryan, do you want -- it's not a
6 long article at all. It's pretty short, maybe
7 five minutes max.

8 MR. DANIELS: Wes, can you just
9 send it over to him and let him read it so
10 he can answer a few questions on that.

11 And we can go off the record for
12 five minutes or so if that's okay.

13 MR. JACKSON: Okay.

14 -----

15 (Whereupon, a discussion was
16 held off the record.)

17 -----

18 THE VIDEO SPECIALIST: The time
19 is now 10:54 a.m.

20 We're now off the record.

21 -----

22 (Whereupon, a brief recess
23 occurred at this time.)

24 -----

25 THE VIDEO SPECIALIST: This is

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1 the beginning of Media III.

2 The time is now 11:23 a.m.

3 We're back on the record.

4 BY MR. DANIELS:

5 Q. All right. We're back on the record.

6 Mr. Ryan, did you have an opportunity to
7 read this article?

8 A. I did.

9 Q. All right.

10 This is just a general question.

11 Is there anything that you agree or
12 disagree with inside this article?

13 A. Well, you know, I think one thing it's
14 dated. Obviously, U.S. versus Menks is not
15 mentioned in the article. Hudson, the Hudson
16 case that you mentioned, I don't see a sight of
17 any article because they're newer.

18 So obviously, those things would in some
19 way maybe changed some of this. So it's a dated
20 article.

21 Nothing that I disagree with at the time
22 that it was written, but particularly, you know,
23 at points south that there's several reasons why
24 officers can dispense with the knock and
25 announce.

1 Q. That's why I want to ask some questions
2 that kind of concern this article.

3 I understand that it may be a dated
4 article.

5 The one I thing I want to point to in
6 here is -- and let's get your opinion on this --
7 I want to go back to your CV in a second, but
8 since we're here I kind of want to find out what
9 your testimony is on this matter.

10 When serving a search warrant, a knock
11 and announce warrant, would all to take into
12 account the time of the day which that warrant's
13 being executed, search warrant's been executed as
14 it relates to the occupant's response time.

15 And when I ask that question I'm talking
16 about versus late evening or early in the
17 morning?

18 A. No. Because, you know, and again, this
19 is why this is a dated article. Response time is
20 not what the officer considers in making this
21 decision. Response time has no application.

22 It's as I think I pointed out in my
23 report, what we train officers is how long it
24 would take to begin to destroy the evidence.

25 So that's really the application of the

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1 tactical decision making today.

2 Q. All right.

3 And so were you talking about, you know,
4 destroying evidence, were you referring to what I
5 would call the exigent circumstance that would
6 give officers a reason to make an entry without
7 waiving any response.

8 Is that what you're referring to?

9 A. Well, I think as it's pointed out in the
10 cases and now has been adopted in the training is
11 that a person can get to a toilet very quickly in
12 any size house.

13 That's why we train. It doesn't matter
14 if you're dealing with a mansion that's 20,000
15 square feet or a hotel room.

16 That's why response time is not the
17 issue in these cases and this decision making.
18 Obviously, and I'm not faulting this gentleman
19 who wrote this article, but he didn't have the
20 benefit of the U.S. versus Banks which pointed
21 that out to law enforcement because if he had
22 then he would know that it's not a response time
23 issue.

24 Q. Okay.

25 So just to make sure I understand this,

1 an executed search warrant, the officers wouldn't
2 take into account the time of the day as it
3 relates to the occupant's responding to him
4 announcing themselves at the door.

5 Is that your testimony in this matter?

6 A. Absolutely it is, absolutely. That's
7 the training, and quite honestly, again, I'm not
8 here to give legal opinions but this is obviously
9 a legal article. That's what U.S. versus Banks
10 says.

11 Q. Okay. All right.

12 Let me ask you this question here.

13 As it pertains to -- and we're obviously
14 talking about a fourth amendment issue. I know
15 you didn't want an issue of how that particular
16 issue is legal inclusion or analysis within your
17 opinion. It's before all of the policies and
18 practices of law enforcement.

19 You're aware of what exigent
20 circumstances are, correct?

21 A. Of course.

22 Q. All right.

23 What is your understanding of what
24 exigent circumstances?

25 A. Exigent circumstance is some emergency

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1 situation that is either known ahead of time or
2 that happens on the ground that make an immediate
3 action necessary.

4 It's more often used in the failure to
5 get a warrant because that emergency action is
6 necessary to take, and the time to get a warrant
7 will undermine the ability to carry out the
8 process, whatever it is.

9 Exigency can be for protection of life,
10 exigency can be for the protection of evidence.
11 So really the two forms of exigencies that we
12 look at in these cases.

13 **Q. Okay. All right.**

14 **You referred to the plaintiff's case.**

15 **What year was the plaintiff's case**
16 **opined; do you recall?**

17 **A.** I think 2003, 2004, somewhere in that
18 timeframe. Somewhere between 2002 and 2004. I
19 forget what term it was.

20 **Q. We've got to go back to scroll.**

21 **Mr. Ryan, I'm turning back to your CV**
22 **over here as I promised you I would.**

23 **Let me bring it up for you here. I'm**
24 **sorry.**

25 **All right. Mr. Ryan, do you see that on**

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1 the screen, your CV?

2 A. Yes, sir.

3 Q. All right.

4 I've got "Case Consultations" on here;
5 do you see that?

6 A. Yes.

7 Q. And case consultations, just for
8 clarity, are those cases that you testified in or
9 you just consulted in?

10 A. No.

11 You know, somebody pointed that out to
12 me the very first time the other day that I
13 should probably put "Testimony" there instead of
14 "Case Consultations" because those are all
15 testimony as required by the rule.

16 Q. All right.

17 Basically, your expert testimony, how
18 often did you, I guess, percentage based on
19 testifying for the defense versus plaintiffs.

20 Let's start with defense.

21 A. You know, I don't track it myself but
22 I've been told at depositions and I don't dispute
23 it. I think I probably testify for the defense
24 or give opinions for the defense in 80 to 85
25 percent of my testimony.

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1 Q. Okay.

2 In all of these cases that you gave
3 expert testimony, have you provided any expert
4 testimony as it relates to knock and announce
5 warrants?

6 A. You know, I'm certain. Again, could I
7 go by name and identify the ones that are knock
8 and announce issues?

9 Probably not. It would probably take me
10 hours to try to figure that out. I'm terrible
11 with remembering names. I'm better with
12 remembering facts.

13 I'm certain there are some cases where
14 there were issues of knock and announce that I've
15 opined on and testified on.

16 Q. Okay.

17 But you don't recall what case they are
18 today?

19 A. No.

20 And you know, I can go through the list
21 if you want and try to see if any jog my memory
22 but I can't promise you that they will.

23 Q. But do you recall the if you actually
24 gave expert opinion outside of this case dealing
25 specifically with knock and announce?

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1 A. I'm sure that I have.

2 Again, I'd have to go back and look at
3 the individual cases to the extent I even have a
4 file on them to determine which ones.

5 **Q. I see you also gave expert opinion in**
6 **criminal cases as well, right?**

7 A. I have, yes.

8 **Q. Was that a part of the defense or the**
9 **United States or a state agency?**

10 A. I've done both actually. And I'm
11 testifying for a prosecutor next week in a case
12 in Tacoma, Washington. And I've testified on
13 behalf of the defense in cases both for the
14 officer. I think the only cases that I've done
15 for the Department of Justice have been civil
16 cases. I've done cases against them on the
17 criminal side.

18 **Q. All right.**

19 **Let's go to your publications over here.**
20 **The schedule B, do you see that on the**
21 **screen?**

22 A. Yes, sir.

23 **Q. In any of your publications have you**
24 **given opinions inside of publications or**
25 **instructions on publications directly dealing**

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1 **with knock and announce warrants?**

2 A. You know, I suspect there's a section in
3 the Law and Best Practices book that deals with
4 knock and announce and the various decisions of
5 the U.S. Supreme Court related to knock and
6 announce.

7 I can tell you that there are
8 definitely -- there's a book that's Critical
9 Tasks in Law Enforcement, that's the legal guide
10 that comes out on an annual basis. I think they
11 still -- sometimes the company changes the title,
12 but that book definitely has some knock and
13 announce issues in it.

14 The manual that I use for SWAT
15 operations, legal liability issues and SWAT and
16 emergency response in special operations. That
17 book, that manual that does get updated
18 periodically. That book has, I'm certain, some
19 no knock issues in it. I would have been remiss
20 if I didn't put it in it.

21 **Q. I'm sorry?**

22 A. I have that arrest search and seizure
23 annually. I have not redone that because I
24 stopped teaching that class on a regular basis.
25 So I don't know that I've updated that recently.

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1 Q. Okay.

2 Those articles here, do you have any
3 published articles that you recall that's not
4 listed here that specifically deals with knock
5 and announce warrants?

6 A. I will tell you that all the articles
7 should be listed. I have an assistant who --
8 well, she's really, really good about every time
9 I write something adding it into the list. I
10 don't see anything in that particular section
11 that would apply.

12 Q. Okay.

13 A. I would think that as we get into these
14 legal archives, I would have, I would definitely
15 have stuff on, for example, U.S. versus Banks I
16 would think.

17 So if you were to go to -- if you can go
18 to the beginning as opposed to the end, you know,
19 so, you know, go to like 2002, see where it
20 starts. So let's go to, like -- keep going.
21 Let's see how far that goes back. It should
22 go all the way back to when I started. Go ahead
23 up (indicating).

24 And I could be wrong. Maybe I didn't
25 write an article.

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1 **Q. It's 2006 here?**

2 **A. Yeah. So if depending on when, for**
3 **example, Banks was decided, I would think that I**
4 **would have written an article on it. But my**
5 **assistant should have made sure it was listed**
6 **here. But you could certainly check on our**
7 **website.**

8 **Q. So you're certain that you wrote the**
9 **article, U.S. versus Banks, correct?**

10 **A. I'm not a thousand percent certain but I**
11 **know I've got references to it in some of those**
12 **books that I mentioned.**

13 **I would have to go back and look because**
14 **it seems to me that those articles should go back**
15 **to 2002, and I don't know why she doesn't have it**
16 **all the way back to when I first started doing**
17 **them. Unless I am mistaken and I started it in**
18 **2006.**

19 **Q. Okay.**

20 **The reason I'm going through is because**
21 **I don't see anything specifically in any of your**
22 **publications, articles that specifically talk**
23 **about --**

24 **Oh, here we go. As soon as I say that I**
25 **looked at one right here.**

1 The question asked was the website
2 no-knock clause and search warrants; do you see
3 that?

4 A. Yes, sir.

5 Q. What is this LLR legal question, ask the
6 website. So is that question is somebody -- what
7 is that?

8 A. So what we used to do and we don't do it
9 as much anymore -- I suppose maybe Brian
10 Batterton (ph) does -- is we accept questions in
11 and then research is done to find the answer, and
12 then an article was written with the answer in
13 it. So we actually do a question presented at
14 the beginning of the article.

15 Whatever the question was that came in
16 through LLRMI's website, and then we'll actually
17 go and we'll actually research the issue if need
18 be or we may already know the cases that support
19 the answer.

20 So that would be what that was.
21 Somebody must have submitted a question, and then
22 I would have written an article based on the
23 question.

24 Q. Is that archive in your website?

25 A. Absolutely. And it's a free, you know,

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1 it's got a free search box. You can go right
2 into the website. You should be able to find
3 anything that I've written since I started doing
4 this.

5 **Q. What's your website again? I'm sorry.**

6 A. It's LLRMI.com.

7 **Q. Let me write that down.**

8 A. So Lincoln, Lincoln, Romeo, Mary, Ida
9 dot com.

10 Theres' probably still an archive on the
11 old company, P as in Peter, A as in Adam, T as in
12 Thomas, C as in Charlie, dot com.

13 **Q. Okay.**

14 I believe that concludes your -- we have
15 a schedule C here.

16 Is there any, have you called any
17 conferences, speaking engagements specifically
18 dealing with knock and announce and no-knock
19 warrants that you presented.

20 THE VIDEO SPECIALIST: You
21 know, the recording just stopped.

22 THE COURT REPORTER: Do you
23 want to go off the record?

24 -----

25 (Whereupon, a discussion was

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1 held off the record.)

2 -----

3 THE WITNESS: So I'm sure that
4 several of them have references to no-knock
5 warrants. I saw you go by one with
6 Illinois, for example, and Illinois I
7 believe is one of the states that changed
8 the law on no-knock warrants.

9 So there was -- it's not one of
10 those first few. But there was one, I
11 think, in Illinois. I know I did the
12 Kentucky sheriff's conference and I know
13 there's been some changes in Kentucky, so
14 I'm sure I covered those, what the changes
15 are and how we have to adjust the policy to
16 meet the changes.

17 I don't know if anybody from
18 Louisville was in the program of but I do
19 remember having a slide at some point on the
20 changes in Kentucky and what needed to be
21 established for the purposes of no-knock,
22 and then that I had, you know, the
23 Morgansen, Louisville, it said, absolutely
24 banned.

25 So you know, anything, any of the

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1 SWAT programs would have covered no-knock
2 warrants as well and would have covered when
3 you can do them and when you can't.

4 And they would have also covered
5 timing issues on knock and announce that
6 we've discussed, things of that nature.

7 BY MR. DANIELS:

8 Q. All right.

9 Let's just scan to the Schedule C. I
10 can try to bring it up here.

11 All right.

12 With the exception of, I guess,
13 articles, or I guess, publications that you
14 updated, would you be sure that this is a full
15 and accurate CV with the exception of some of the
16 little things that you added?

17 A. Yeah. Other than whatever programs I've
18 done since this report was issued and any cases
19 that I testified in would largely be -- and I
20 don't know that I've written anything because
21 this is -- let me just look at the date on the
22 report because that will tell me.

23 Yeah, I don't think I've written
24 anything in the last few weeks since I issued the
25 report.

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1 Q. All right.

2 Let's go get into the case at hand at
3 issue here that we're here for today.

4 Here I got your schedule D here
5 (indicating)?

6 A. Yes, sir.

7 Q. Do you know whether this was case
8 material that was reviewed related to this
9 particular matter?

10 I'm going to go through it and give you
11 a chance to look at and see if there's anything
12 you don't see on this list that you would view,
13 give your expert opinion in this matter?

14 A. I don't see anything but I can also just
15 make sure that I didn't get anything after the
16 fact.

17 Q. That's really what my question was.

18 A. No. That's it. That's all I have.

19 Q. I'm assuming you also got the video by
20 the camera recorder as well?

21 A. Yes. And I think I made reference to
22 that.

23 Q. All right.

24 Let's scroll down here. Next we have
25 your expert report by John J. Ryan.

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1 Then let's go on briefly scroll through
2 it. And this has your authentication, this is
3 actually your report.

4 A. (Witness perusing document.)

5 Q. I'm not going too fast?

6 A. No. You could go faster if you want.

7 (Witness perusing document.)

8 Q. Okay. All right.

9 Mr. Ryan, based on your review of the
10 material here, what is your opinion as to
11 whether --

12 Please stop, please stop.

13 Okay. I'm sorry.

14 Mr. Ryan, based on your review of the
15 material in this matter, what is your opinion as
16 it relates to whether the officers made a lawful
17 entry?

18 When I say "lawful entry," I mean use of
19 force entry in this particular matter?

20 A. Well, actually --

21 Q. When I mean lawful, I'm actually talking
22 about fourth amendment offense?

23 A. I'm not really here to give legal
24 opinions, but certainly, you've asked a question
25 that way. And my answer would be that it's my

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1 opinion that they did make a lawful entry under
2 the fourth amendment. More importantly it's my
3 opinion that they acted consistently with the
4 generally accepted policies, practices and
5 training on entries in these types of cases.

6 **Q. What do you -- based on -- obviously,**
7 **you've got material, how did you come to that**
8 **conclusion?**

9 A. Well, it's several things that lead to
10 that conclusion. The officers pointed out and,
11 you know, if you go back to that article you
12 showed me, that old article, the officers pointed
13 out that they were aware that there was weapons.
14 That's one of things that we look at, the
15 potential of the person will quickly arm
16 themselves with weapon in order to try to combat
17 the police with a firearm. So that's one of the
18 factors we look at.

19 We look at destruction of evidence.
20 That's another factor we look at. We look at
21 whether the person's on notice. And, you know,
22 that's a big factor.

23 We look at whether the person's on
24 notice that the police are approaching. And I
25 say it's a big factor, it's in that article that

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1 you showed me. Which means that the -- you know,
2 I think that article says, and again, you know, I
3 read it quickly, but it says something like you
4 don't actually have to knock and announce. You
5 don't actually have to use any magic words that
6 if the person knows that it's the police that are
7 coming, then you can -- and it's been
8 accomplished, the knock and announce has been
9 accomplished.

10 In this case when you have another fact
11 that happened contemporaneous with the approach
12 of the officers where an officer says they know
13 we're coming because they spotted the camera,
14 they spotted the lighting on the camera change.
15 And that's captured on a body one camera video.

16 So you have several factors that make it
17 not only consistent with generally accepted
18 policies and practices, but you have several
19 factors that also make it consistent with, you
20 know, the law related to no-knock entries.

21 **Q. All right.**

22 **So let me make sure I understand this.**

23 **Based on what you just testified to,**
24 **based on the material you reviewed and some of**
25 **the factors that considered you feel this entry**

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1 was a lawful entry based on policy and practices
2 of law enforcement; is that correct?

3 A. Consistent with law enforcement
4 policies, practices and training.

5 It was also, because you asked the
6 question, it was also lawful under the fourth
7 amendment based on the cases as I know them.

8 Q. All right.

9 So you also read the depositions of
10 the -- let me just make sure that I have them
11 right here and invite your opinion -- it appears
12 you also read depositions here.

13 And I'm assuming you read the entire
14 deposition?

15 A. Absolutely.

16 Q. The deposition of James Kevin Cheney?

17 A. Yes.

18 Q. You also read the deposition of Downy
19 Casey?

20 A. Yes, sir.

21 Q. And you also read the deposition of, I
22 think, is it Blaquiere?

23 A. Yeah. I don't know exactly how you
24 pronounce it, but yes, I did.

25 Q. Blaquiere, yeah. I was present at his

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1 deposition.

2 So you read all of his deposition,
3 correct?

4 A. Yes, sir.

5 Q. All right.

6 And reading those depositions and
7 specifically Blaquiere -- well, we don't have to
8 have to specify.

9 Reading those depositions were you able
10 to determine based on their testimony what was
11 their reasoning for making the entrance, well,
12 the forceful entrance?

13 A. Well, I think several things. One --

14 Q. Let me make something clear with this
15 question.

16 I'm not -- and what I'm asking is
17 specifically what they deposed to, and I'm not
18 talking necessarily talking factors that you just
19 read off, but the reason why they stated it
20 specifically in their deposition was why they
21 made entrance into this dwelling?

22 A. Well, I think they had the information
23 up front about the weapons. They had the
24 criminal history of the subject. They had the
25 motion camera. They had an officer saying, hey,

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1 they know we're here now.

2 They had, you know, one officer
3 testified to hearing running inside the house.
4 So that adds into it, would be a consistent with
5 a person of potentially going to destroy evidence
6 or running to obtain a firearm to ambush the
7 officers when they come in.

8 **Q. Do you know which officer gave that he**
9 **heard running inside the house?**

10 A. I think it's Casey Downy. I mean, I
11 have it in the report. But I think it was Casey
12 Downy.

13 **Q. Did you get a chance to read his**
14 **statement on the guarantee concerning this matter**
15 **closer in relation to time versus his deposition,**
16 **did you get a chance to read that statement?**

17 A. I did read it.

18 **Q. Are you aware in that statement he never**
19 **mentioned anything about running in the house?**

20 A. Yes. I think I probably have that in
21 the report too when I put that in here.

22 **Q. So his original statement he mentioned**
23 **nothing about running inside the house before**
24 **they made entry, correct?**

25 A. I think that's correct.

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1 Q. And not until the deposition was given
2 did then he make statements about running in the
3 house, right?

4 A. I think that's accurate.

5 Q. All right.

6 Did any other officer, in any of the
7 material that you read, did any other officer
8 stated that they heard running in the house?

9 A. No. I don't think that any of the
10 others either were asked that question or if they
11 were asked it if any of them said they heard
12 running in the house.

13 Q. All right.

14 And based on the material that you
15 reviewed where was Downy stacked up before he
16 made entry to the house?

17 When I say stack, you're aware of what
18 stacking is, correct?

19 A. I've stacked for years. So I'm familiar
20 with it. But I got to be honest with --

21 Q. And for the record could you describe
22 what a stacking is?

23 A. Yeah. A stack is how a team approaches
24 a door or even makes entry. They approach in a
25 straight line, one after the other.

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1 If they want to clear rooms then they'll
2 leapfrog once they get in the residence. So that
3 changes the stack, changes the position of the
4 stack that the officer has as they make entry.

5 But --

6 **Q. I'm sorry.**

7 A. I got to be honest with you, I know
8 you're asking me, and I don't know that I recall
9 the exact stack assignment of Casey Downy.

10 **Q. Yeah, I was going to ask you.**

11 **Do you recall what his position was in**
12 **the stack assignment?**

13 A. I might have to look through my report
14 to see if I have that, but I don't recall off the
15 top of my head.

16 **Q. Do you want to take a chance to look at**
17 **your report to see?**

18 A. Yeah. I may have included that.

19 **Q. Okay.**

20 A. (Witness perusing document.)

21 Based on the facts as I have them I
22 would say he would be in the stack only because I
23 do have the testimony of Cheney who says he was
24 at the back of the stack.

25 I have the testimony of Blaquiere who

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1 says he's the one knocking at the door, and
2 generally, we would put the ram second, behind
3 the knock announcement.

4 And I want to say closer to the door.

5 Q. You're talking about the stacking
6 formation before they make the entry?

7 A. Correct.

8 Q. And you definitely see even material
9 from the district attorney or any discovery
10 documents that give, if there's any evidence that
11 the other officers besides Downy heard this
12 running; is that correct?

13 A. That's correct.

14 Q. All right.

15 Do you get up to you -- and I believe
16 was it Downy Casey, do you know if he was wearing
17 a body camera?

18 A. Yes. Downy Casey was the one who put
19 the body camera on, I think. He said -- although
20 they don't normally have them, he'd put it on
21 that night.

22 Q. Did you watch his body camera throughout
23 the entire incident?

24 A. Yes, I did.

25 Q. All right.

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1 Is there anywhere to buy a camera that
2 he made any representation that he didn't want
3 anybody to make a representation to him that they
4 heard running prior to making entry, that he
5 heard running?

6 A. I don't recall that.

7 I do recall the reference to the motion
8 camera and somebody making a statement that the
9 people in the house knew they were there. But I
10 don't recall anything about running.

11 Q. Was there any evidence in material
12 provided that the footage of a camera that
13 recorded law enforcement as they may have
14 approached, did you provide any material for
15 that?

16 A. What's that? I'm sorry.

17 Q. What I said was -- I'm sorry. Strike
18 that question.

19 Would you provide any material from
20 anybody that showed any recording from the
21 residence from that motion camera that was stated
22 that showed any recording of law enforcement
23 making entry or making -- approaching the home?

24 A. I don't recall seeing that.

25 Q. Okay.

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1 Do you know as to whether it was in fact
2 a camera?

3 A. I know that the officer perceived it to
4 be a camera based on the contemporaneous
5 statement. And whether or not it was actually a
6 camera will be 20/20 hindsight. But I know the
7 officer perceived it to be.

8 Q. Okay.

9 But there's no evidence that you asked,
10 that provided to you today that it was in fact a
11 camera; is that correct?

12 A. No. I don't know if -- again, just to
13 be clear, I don't know if it was a camera or if
14 it worked or, you know, it could be a camera and
15 it doesn't work.

16 The bottom line is I don't know the
17 answer to that. I do know that the officer based
18 a contemporaneous statement perceived it to be a
19 camera.

20 Q. Is there any policies or practices where
21 if the occupant has, I guess, a camera there, it
22 could be a Ring door camera or any related camera
23 that the officers can execute a search warrant,
24 and at that point make entry without knocking and
25 announcing, is there any policy that you're aware

1 **of, practices?**

2 A. That fact in a vacuum standing alone,
3 no. Again, it would have to take into account
4 other facts such as the knowledge of the
5 government, criminal history of the suspects, you
6 know, if the officers were aware that there were
7 counter-surveillance measures, then obviously,
8 that's always a factor. That would be one more
9 factor toward the no-knock warrant or the
10 no-knock entry when the ground situation changes.

11 But I don't know of a policy that says
12 anytime a person has a camera, you get to do a
13 no-knock. No, I don't know anything like that.

14 **Q. Let me ask you this question.**

15 **In this case the officers, they applied**
16 **for a no-knock warrant, did they not?**

17 A. Absolutely.

18 **Q. And they were denied, weren't they?**

19 A. Absolutely.

20 **Q. Why were they denied?**

21 A. What's that?

22 **Q. What was the reason for the denial; do**
23 **you know?**

24 A. I don't recall if there was anything. I
25 have to go back and look. I don't recall there

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1 being anything in the materials where the
2 magistrate outlined why it was denied.

3 But again, law enforcement training is
4 if the ground situation changes even with the
5 denial that the officers can do a no-knock entry.

6 **Q. Are you aware that the officers who**
7 **applied for the warrant, have they ever --**

8 Well, let me ask you this question. I
9 think I may know this answer.

10 This was the first time that the officer
11 applied for a no-knock warrant; is your
12 understanding from the material provided?

13 A. I don't recall that fact but I wouldn't
14 dispute it.

15 **Q. Do you know who applied for the warrant?**

16 A. I'd have to go back and look. I think
17 it was Blaquiere but I'd have to go back and
18 look.

19 **Q. Were you aware that the no knock was not**
20 **authorized?**

21 A. Absolutely. At that point in time, yes,
22 when they sought the warrant, yes.

23 **Q. In any of the materials, if you get**
24 **chance to look at any Georgia law, when I say**
25 **"law," statute as it relates to knock and**

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1 **announce no-knock warrants execution in the State**
2 **of Georgia?**

3 A. You know, I think I incorporated in a
4 footnote the statute on execution of a warrant,
5 you know, any reasonable time and things of that
6 nature. I think I've got that in the footnote in
7 my report.

8 **Q. Let me pull the report here?**

9 A. I think I did, yes.
10 So if you go to page 23 I believe it is.

11 **Q. Okay.**

12 A. It actually starts on page 22.

13 **Q. I'm looking where all the 22 it**
14 **specifically talks about -- I see the footnotes 8**
15 **and 9?**

16 A. Right.

17 **Q. Is that what you were referring to?**

18 A. Yes, sir.

19 So starts, it's paragraph 87, Georgia
20 State Statutory law and execution of search the
21 warrants.

22 **Q. All right.**

23 In here you talk about the time when the
24 search warrants must be executed within ten days
25 in the State of Georgia.

1 What I'm asking you seriously did you
2 read anything about how a search warrant must be
3 executed. When I say "executed," at the point of
4 actually hand executed a search warrant and not
5 the timing of the judicial officer signed a
6 warrant and the execution going to the home or
7 dwelling to execute the warrant within a period
8 of time but the execution, the actual execution
9 of the warrant for the officers in place, did you
10 read anything in the State of Georgia law,
11 statutory law about that particular, how a
12 warrant should be executed?

13 A. Well, I think the last sentence in that
14 paragraph talks about it being executed at any
15 reasonable time. So it doesn't say it has to be
16 executed between, you know, six o'clock in the
17 morning or ten o'clock at night. It says at any
18 reasonable time.

19 So that goes to execution. I did not
20 look up cases or anything like that related to
21 manner of execution in this federal case where
22 obviously federal standards would apply on that
23 issue. And they generally set the practices and
24 policy to apply.

25 Q. I'm going to pull that statute up and

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1 give you a chance to look at the statute here and
2 make sure we're talking about same thing here.

3 MR. DANIELS: Mr. Court

4 Reporter, what exhibit number are we on?

5 THE COURT REPORTER: The next
6 would be number 5.

7 -----

8 (Whereupon, a discussion was
9 held off the record at this time.)

10 (Whereupon, Deposition Exhibit
11 Number Plaintiff's 5 was marked for
12 identification.)

13 -----

14 BY MR. DANIELS:

15 Q. This is a statute here and I'm going to
16 introduce it as Plaintiff's Exhibit-5. This is a
17 current statu0te legislation in the 2023, 2024 --
18 of course, if you can go back to the time in
19 question by representing the statute has not
20 changed at the time of the execution of this
21 search warrant that's in question in this case.

22 All right. Have you read this statute
23 here, 17-5 --

24 A. I'm sure I have. And again, I don't
25 know that I read in it conjunction with this

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1 case, and I say that, you know, I've written
2 policies for various groups in Georgia. So I'm
3 sure that I would have incorporated the statute
4 into a search warrant policy.

5 Q. Going back to your opinion here --

6 A. I didn't get to read that whole statute.

7 Q. All right.

8 I'll bring it back up for you. I'm
9 sorry.

10 Going back to your opinion -- and let me
11 screen share here so you can see what I'm talking
12 about.

13 Do you see that your portion of your
14 opinion here?

15 A. Yes, sir.

16 Q. All right.

17 And you have footnote 8, 17.5.25 here?

18 A. Yes, sir.

19 Q. It refers to footnote 8 is here. It
20 says any search warrant not executed in ten days
21 from the time of issuance, shall be void and
22 shall be returned to the court of the judicial
23 officer issuing the same as not executed.

24 Do you have footnote 8 which refers to
25 Georgia statute 17.5.25.

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1 I'm going to bring the statute up for
2 you.

3 The 17.5.25, do you see that as such
4 there?

5 -----

6 (Whereupon, a discussion was
7 held off the record.)

8 -----

9 BY MR. DANIELS:

10 Q. All right.

11 Do you see that statute 17.5.25?

12 A. No. My report's up again.

13 I see it, yeah.

14 Q. Do you see that?

15 A. Yes, sir.

16 Q. All right.

17 And this is the statute you're referring
18 to, right, 17.5.25?

19 A. Correct.

20 Q. And we talked about the execution of
21 search warrants generally, correct?

22 A. Yes, sir.

23 Q. And it talks about the ten days, it had
24 to be executed within ten days?

25 A. Correct.

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1 Q. Right?

2 A. Right.

3 Q. All right.

4 Let me go back here to your report

5 because I want a full blown --

6 Is your report back up now?

7 A. Yes, sir.

8 Q. You have also, you cite to 17.5.26,
9 which in your report you make reference to
10 Georgia statutory and reading here, Georgia
11 statutory law directs that search warrants may be
12 executed at any reasonable time?

13 A. Correct.

14 Q. Let me go back over here (indicating).

15 And this is -- and do you see where it
16 says 17.5.26, and it says, search warrant may be
17 executed at any reasonable time, right?

18 A. Yes, sir.

19 Q. All right.

20 Did you get a chance to read 17.5.27?

21 A. You have to pull it back up. As I said,
22 I'm sure I've read it in the past.

23 MR. DANIELS: Mr. Court

24 Reporter, this is -- I think it's Exhibit-6.

25 -----

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1 (Whereupon, a discussion was
2 held off the record at this time.)

3 (Whereupon, Deposition Exhibit
4 Number Plaintiff's 6 was marked for
5 identification.)

6 -----

7 BY MR. DANIELS:

8 Q. I am going to introduce as Plaintiff's
9 6, 17.5.27. OCGA 17-5-27. And the title is,
10 "Use of Force in Execution of Search Warrants."

11 Did you get a chance to look at this
12 statute by any chance, Mr. Ryan?

13 A. I'm certainly looking at it now.

14 Q. Let me know when you've had a chance to
15 finish reviewing it?

16 A. No. I've looked at it.

17 Q. Are you aware that the Supreme Court of
18 Georgia -- and I'll give you the case here -- an
19 interpreted statute that an officer before they
20 make an entry specifically on a knock and
21 announce warrant -- let me bring it out here so
22 you could -- that the plaintiff takes OCG 17.5.27
23 that requires an officer to announce his or her
24 presence or make a good faith effort to do so.
25 And wait for some sort of response before the

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1 officer uses force to affect entry into a
2 building, any part of the building.

3 I don't know if you got a chance to read
4 that case, it's Heron (ph) versus State?

5 I will bring it up on the screen in a
6 second here.

7 But going back to this particular
8 statute. I mean, let me bring it back up for
9 you.

10 I do apologize for bringing it down. I
11 just went back to my notes.

12 All right.

13 I've got the statute back up; do you see
14 it?

15 A. Yes, sir.

16 Q. All right.

17 And it gives some factors here.

18 Do you see the factors? And I'll read
19 it to you verbatim. That he is refused
20 vengeance.

21 Do you see that?

22 A. Yes.

23 Q. All right.

24 In the video provided, the body camera
25 is there any verbal representation of any kind --

1 **and I'm saying specifically verbal -- by any**
2 **occupant that they refused to open the door?**

3 A. No. And again, remember, this is a
4 state law. So this would have no bearing on
5 whether or not it was proper of the generally
6 accepted practices, when we're talking about, you
7 know, a lawsuit over, you know, in a federal
8 case. This would have no bearing on it.

9 **Q. What do you mean it wouldn't have any**
10 **bearing on it?**

11 A. Well, a violation of state law. State
12 law can be more restrictive than the federal
13 standard and we know that. So even if -- and I'm
14 not conceding that the officers violated this,
15 but if they did, if in fact the court determined
16 they did, and again, not to give legal opinions
17 but it's very clear that a violation of state law
18 does not mean any kind of constitutional
19 violation.

20 And again, some of that, the second part
21 you read me doesn't make any sense because it
22 requires, you know, on its face, I think it said
23 it requires on its face some refusal or some
24 statement or something like that, but then the
25 statute even contemplates when the place is not

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1 occupied and the officers aren't there.

2 So how could you meet both of those
3 things?

4 There's an inconsistency there.

5 So without doing a lot of research on
6 the law, I probably wouldn't be able to give
7 these legal opinions. I don't think a court is
8 going to let me give them anyway.

9 **Q. Yes. And let me ask y a question.**

10 **We talked, about the State of Georgia**
11 **that the law in the State of Georgia says in the**
12 **statute that had to be some type of refusal.**

13 **And in fact, what I read to you, it was**
14 **a Supreme Court case out of the State of Georgia**
15 **that says that he had to wait for a response.**

16 **A.** Under the state's statute I agree with
17 you that that's -- again, I didn't read the whole
18 case which means I would have to put it in
19 context.

20 But that's an interpretation of the
21 statute. That wouldn't be an interpretation of
22 the fourth amendment, and it would not be an
23 interpretation of the generally accepted practice
24 that law enforcement has throughout the country
25 and in Georgia.

1 **Q. Are you saying that there's a state law**
2 **that gives direction to law enforcement, they**
3 **would have to follow that practice?**

4 A. Not for purposes of a fourth amendment
5 claim. And again, I'm not here to give legal
6 opinions.

7 But think about this. These officers
8 actually sought a no-knock warrant, they sought a
9 no-knock warrant.

10 If, in fact, the State of Georgia, that
11 this is, per se, the state law of Georgia, then
12 how could there even be a no-knock warrant? One
13 couldn't even exist even when you went to a
14 magistrate because it requires these factors.

15 So, you know, unless there's some
16 counter-veiling law, then it would be internally
17 inconsistent.

18 **Q. Well, I think this is specific talk**
19 **about knock and announce warrants?**

20 A. Well, it doesn't say that.

21 **Q. Well, I mean, obviously, the legislation**
22 **speaks for itself. The language of this**
23 **particular statute and not getting into any legal**
24 **canons, but obviously, you're aware that Georgia**
25 **has no-knock warrants for police, correct?**

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1 A. Well, I am because, obviously, the
2 officers sought a no-knock warrant.

3 Q. Right.

4 It could be inferred that this statute
5 is probably talking about knock and announce
6 warrants?

7 A. Well, I don't think I --

8 MR. JACKSON: Object to form.

9 THE WITNESS: I mean, you're
10 asking me all kinds of legal opinions here
11 on state law.

12 And as I said, you know, we don't
13 necessarily judge based on state law. We
14 analyze a federal case brought against an
15 officer. That's why we look to the
16 generally accepted policies, practices and
17 training.

18 Even if you were to ask me a legal
19 opinion, the cases that are out there are
20 very clear. That the state law does not
21 provide the standard, that you'd have to
22 look to the federal standards when you get a
23 federal case.

24 BY MR. DANIELS:

25 Q. And the reason I'm looking at state law

1 -- I didn't mean to cut you off -- is because you
2 had intimated that it's not your opinion, state
3 law executions of warrants, generally execution
4 of warrants when warrants might be executed.

5 My question is: Did you also look to
6 also this state law as it relates to, you know,
7 and hearing my opinion, you know, of course, it
8 was whether this was referred to knock and
9 announce warrants.

10 Did you look at this law in considering
11 your opinion?

12 A. And I did not. The reason why I
13 incorporated the other statute was that there
14 were numerous questions asked of the officers in
15 their deposition as to why they executed the
16 warrant at that time of day.

17 So that was in specific to address that
18 issue. If it wasn't I don't know that there was
19 anything brought up in any of the depositions
20 about this particular statute.

21 Q. Okay. All right.

22 MR. DANIELS: Let's take a
23 quick -- what time is it?

24 Guys, I'm on the west coast here.

25 Let's take about a ten minute break

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1 here.

2 -----

3 (Whereupon, a discussion was
4 held off the record.)

5 -----

6 THE VIDEO SPECIALIST: The time
7 is 12:01 p.m.

8 We're now off the record.

9 -----

10 (Whereupon, a brief recess
11 occurred at this time.)

12 -----

13 THE VIDEO SPECIALIST: This is
14 the beginning of Media IV.

15 The time is 12:13 p.m.

16 We're back on the record.

17 BY MR. DANIELS:

18 Q. All right.

19 Mr. Ryan, this is a follow-up question.

20 You do not handle the billing; is that
21 correct?

22 A. I do not handle the billing.

23 Q. And how much do you charge per hour for
24 deposition testimony?

25 A. So generally, what happens is we charge

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1 the whole day because I've got to block out the
2 whole day. So it's generally charged at 2,500
3 per day.

4 **Q. Okay.**

5 **And that's not included in your**
6 **appearance; is that correct?**

7 A. I'm sorry.

8 That includes my appearance, yes.

9 **Q. So \$2,500 would be the only amount?**

10 A. Correct. Of which I get 2,000, but the
11 company bills the whole day for a deposition.

12 **Q. Okay.**

13 **And the amount that's in the invoice,**
14 **that's the amount that you was paid by the**
15 **defendants in this amount, \$95,000?**

16 A. That's the amount that the company was
17 paid. I would have seen 7,000 of that.

18 **Q. How much do you charge for your**
19 **in-person testimony?**

20 A. So in-person testimony is charged at
21 2,500 per day for days I'm in court. There is
22 \$1,000 fee for the day that I travel.

23 **Q. \$1,000 fee for the day that you travel?**

24 A. Correct.

25 **Q. Does that include room and board as**

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1 **well?**

2 A. No. Obviously, all of the expenses,
3 flights, room and board would be added to that.

4 **Q. All right.**

5 MR. DANIELS: Mr. Ryan, thank
6 you for your testimony. I have no further
7 questions subject to follow up if counsel
8 asks you questions.

9 MR. JACKSON: No, I have no
10 follow up.

11 Thank you. And thanks for the
12 civility which I don't always get at
13 depositions. It's appreciated.

14 -----

15 (Whereupon, a discussion was
16 held off the record.)

17 -----

18 THE VIDEO SPECIALIST: The time
19 is now 12:15 p.m.

20 We're now off the record.

21 THE COURT REPORTER:

22 Mr. Jackson, do you want a copy of the
23 transcript?

24 MR. JACKSON: Yes.

25 MR. PACELLA: We're going to

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1 want the transcript expedited.

2 THE COURT REPORTER:

3 Mr. Daniels, you get the original?

4 MR. DANIELS: Yes, please.

5 -----

6 (Whereupon, the deposition was
7 adjourned at 12:15 p.m.)

8 -----

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CERTIFICATION

I HEREBY CERTIFY that the proceedings
and evidence are contained fully and accurately
in the stenographic notes taken by me upon the
foregoing matter on Wednesday, November 1, 2023,
and that this is a correct transcript of same.



CHARLES P. CARMODY
Federally Approved
Registered Professional Reporter
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